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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,473	06/25/2001	Jeffrey Allen Jones	AUS920010398US1	8699

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,473

Applicant(s)

JONES ET AL.

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4-10 and 12-19 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 07/07/2006 have been fully considered but they are not persuasive.

3. As per remarks, Applicants' argued that (1) the amended limitation of "downloading all of said file pieces to a plurality of client machines, wherein the client machines function as peer-to-peer servers for other client machines requesting said file pieces, wherein each peer-to-peer server stores a unique file piece of said file pieces which is not stored on other of the peer-to-peer servers" is not obvious in view of the cited references.

4. As to point (1), the claimed limitations are rejected for reasons as mentioned in previous Office Action claims 2 and 3. Furthermore, Scott discloses downloading all of said file pieces to a plurality of client machines [i.e. files are stored in central servers and accessed by individual distributed client programs] [paragraphs 0002], wherein the client machines function as peer-to-peer servers for other client machines requesting said file pieces [i.e. distributed file sharing system wherein selected files stored on each peer network device may be made accessible to other peer network devices] [paragraph 0003], wherein each peer-to-peer server stores a unique

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file piece of said file pieces which is not stored on other of the peer-to-peer servers [i.e. the chunk size may be statistically or dynamically determine based upon parameter and/or number of peers which currently have the file available] [17, 25, 27, Figure 6B; and paragraphs 0041, 0049 and 0054].

5. As per remarks, Applicants' argued that (2) the amended limitation of the conditional/unconditional redirecting request of "if said file piece requested from the second client machine has previously been downloaded to the first client machine responsive to the request for said file piece from the first client machine, redirecting the request of the second client machine to the first client machine" and "if said file piece requested from the second client machine has not previously been downloaded to the first client machine, processing the request for said file piece from the second client machine by a server which maintains a complete copy of the electronic file in lieu of redirecting the request of the second client machine to the first client machine" is not obvious in view of the cited references.

6. As to point (2), Outten discloses the condition of if said file piece requested from the second client machine has previously been downloaded to the first client machine responsive to the request for said file piece from the first client machine [i.e. edge server may determine whether or not its associated storage facility is storing all of the content items] [col 14, lines 49-54], redirecting the request of the second client machine to the first client machine [i.e. additional copies are stored on edge servers and the main server redirects the UNDs to edge servers for downloading content items] [col 6, lines 20-27]; and if said file piece requested

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from the second client machine has not previously been downloaded to the first client machine, processing the request for said file piece from the second client machine by a server which maintains a complete copy of the electronic file in lieu of redirecting the request of the second client machine to the first client machine [i.e. if the request content item is not stored with the edge server, requesting the content item from a parent server] [col 20, lines 51-60; and col 22, lines 55-62].

7. As per remarks, Applicants' argued that (3) the amended limitation of "sending a digest for a given file piece to each client machines which has received the given file piece; and determining whether said given file piece is corrupted using the digest" is not obvious in view of the cited references.

8. As to point (3), Scott discloses sending a digest for a given file piece to each client machines which has received the given file piece; and determining whether said given file piece is corrupted using the digest [i.e. if an error occurs during the file transfer processing, resulting in a partial file transfer, the automated process may be configured to identify the portion of the desired file which were not retrieve, and automatically select at least one different remote location for retrieving the remaining content] [Figure 7; and paragraphs 0008 and 0054].

Claim Rejections - 35 USC § 103

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 4-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. [US Patent Application No 2002/0049760], in view of Outten et al. [US Patent No 7,024,466].

11. As per claim 1, Scott discloses the invention substantially as claimed including a method for distributing information in a computer network, the method comprising:

dividing an electronic file into a plurality of pieces [i.e. divide file into "m" chunks] [paragraphs 0055 and 0066];

downloading all of said file pieces to a plurality of client machines [i.e. files are stored in central servers and accessed by individual distributed client programs] [paragraphs 0002], wherein the client machines function as peer-to-peer servers for other client machines requesting said file pieces [i.e. distributed file sharing system wherein selected files stored on each peer network device may be made accessible to other peer network devices] [paragraph 0003], wherein each peer-to-peer server stores a unique file piece of said file pieces which is not stored on other of the peer-to-peer servers [i.e. the chunk size may be statistically or dynamically determine based upon parameter and/or number of peers which currently have the file available] [17, 25, 27, Figure 6B; and paragraphs 0041, 0049 and 0054];

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receiving a request for a file piece from a first client machine [i.e. peer1 search request] [Figure 5; and paragraph 0044] and downloading the requested file piece to the first client machine [i.e. retrieve file] [Figure 6A; and paragraph 0047]; and

receiving a request for said file piece from a second client machine [i.e. subsequent request] [paragraph 0048].

Scott does not specifically disclose

if said file piece requested from the second client machine has previously been downloaded to the first client machine responsive to the request for said file piece from the first client machine, redirecting the request of the second client machine to the first client machine.

Outten discloses

if said file piece requested from the second client machine has previously been downloaded to the first client machine responsive to the request for said file piece from the first client machine [i.e. a copy of content item is stored on the main server and distribute to edge server] [Abstract; and col 3, lines 4-14], redirecting the request of the second client machine to the first client machine [i.e. direct recipient to edge servers for obtaining request content items] [Abstract; col 6, lines 20-28; and col 22, lines 48-51].

It would have been obvious to combine to a person skill in the art at the time the invention was made to combine the teaching of Scott and Outten because Outten's teaching of redirecting request would provide a system with reliable and/or fast delivery of services and content [Outten, col 2, lines 40-43].

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12. As per claim 2, Scott does not specifically disclose if said file piece requested from the second client machine has not previously been downloaded to the first client machine, processing the request for said file piece from the second client machine by a server which maintains a complete copy of the electronic file in lieu of redirecting the request of the second client machine to the first client machine. Outten discloses if said file piece requested from the second client machine has not previously been downloaded to the first client machine, processing the request for said file piece from the second client machine by a server which maintains a complete copy of the electronic file in lieu of redirecting the request of the second client machine to the first client machine [i.e. if the request content item is not stored with the edge server, requesting the content item from a parent server] [col 20, lines 51-60; and col 22, lines 55-62]. It would have been obvious to combine to a person skill in the art at the time the invention was made to combine the teaching of Scott and Outten because Outten's teaching of redirecting request would provide a system with reliable and/or fast delivery of services and content [Outten, col 2, lines 40-43].

13. As per claim 4, Scott discloses receiving a request for a file piece stored in a first peer-to-peer server which is no longer connected to the computer network [i.e. peer2 does not respond] and redirecting said request to a second peer-to-peer server containing a copy of said file piece [i.e. select the next location peer3] [Figure 6B and paragraph 0049]; and removing the first peer-to-peer server from a list of available peer-to-peer servers [i.e. remove from the list of available peer] [paragraph 0065].

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14. As per claim 5, Scott discloses sending a digest for a file piece to each client machine, which has received that file piece [i.e. MD5 Message-Digest algorithm] [paragraph 0032 and claim 74] and determining whether said given file piece is corrupted using the digest [i.e. if an error occurs during the file transfer processing, resulting in a partial file transfer, the automated process may be configured to identify the portion of the desired file which were not retrieve, and automatically select at least one different remote location for retrieving the remaining content] [Figure 7; and paragraphs 0008 and 0054].

15. As per claim 6, Scott discloses receiving a message from a client, wherein the message indicates that a peer-to-peer server has corrupted said given file piece [i.e. the file retrieval operations would fail], disconnecting the peer-to-peer server responsible for corrupting said file piece, and retransmitting said given file piece to said client, wherein the retransmitted file piece is free of any corrupting content [i.e. pick a new peer to download] [paragraphs 0005 and 0065].

16. As per claim 7, it is rejected for similar reasons as stated above in claims 1 and 2. Furthermore, Outten discloses wherein the electronic file is stored in a server [i.e. store by the main server] [Abstract; and col 3, lines 4-8].

17. As per claim 8, it is rejected for similar reasons as stated above in claims 1, 2 and 7.

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18. As per claims 9, 10, 12-14, they are program product claimed of claims 1, 2, 4-6, they are rejected for similar reasons as stated above in claims 1, 2, 4-6.

19. As per claims 15 and 16, they are program product of claims 7 and 8, they are rejected for similar reasons as stated above in claims 7 and 8.

20. As per claims 17-19, they are apparatus claimed of claims 1, 7 and 8, they are rejected for similar reasons as stated above in claims 1, 7 and 8.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100